

S/N: 09/514,033
Response to Office Action of June 1, 2005

Atty Dkt No. 1589 (USW 0563 PUS)

Remarks

Claims 1-11 remain pending in this application after entry of this paper. Claims 1-10 stand rejected under 35 U.S.C. 102(e) as being anticipated by Hendricks (U.S. Patent No. 6,201,536). Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Mimura et al. (U.S. Patent No. 6,557,031). Applicants believe that the invention is patentable.

Claim 1 recites a method for providing personalized interactive programming over a data path. The data path extends between a service provider and a set top box. The service provider is connected to a data network and has an address. The method comprises establishing a communication path between a broadband digital terminal and the set top box. The broadband digital terminal is connected to the data network. The service provider broadcasts video through the broadband digital terminal to the set top box.

The method further comprises sending a private data packet in addition to the broadcast video from the service provider. The private data packet is sent over the network and through the broadband digital terminal to the set top box. The packet contains application interface information for the service provider and contains the service provider address.

The method further comprises establishing an impulse pay-per-view communication path between the set top box and the service provider based upon the address to allow interactive programming using the application interface information between the service provider and the set top box to personalize the broadcast programming.

It must be appreciated that claim 1 specifically recites the service provider sending the private data packet in addition to the broadcast video over the network and through the broadband digital terminal to the set top box, and establishing the impulse pay-per-view communication path between the set top box and the service provider. Hendricks fails to suggest these features.

S/N: 09/514,033
Response to Office Action of June 1, 2005

Att'y Dkt No. 1589 (USW 0563 PUS)

Hendricks describes a network manager for cable television system head ends. Hendricks relates to managing and coordinating the reception of various programming and control signals at a head end. Hendricks does mention the accommodation of system services including video on demand and the generation of standard and custom menus. However, Hendricks fails to suggest the claimed invention.

Hendricks does mention operations center 202 where program packaging and control information are created and then assembled in the form of digital data. Hendricks also discusses flexibility in the packaging, for example, packaging the same programs into different categories and menus. Operation center 202 simply creates and assembles program packaging and control information, and is far different than the claimed service provider that sends private data packets in addition to broadcast video.

Nevertheless, the Examiner has equated operations center 202 to the claimed service provider. Even if the Examiner's interpretation is accepted, Hendricks still has shortcomings. The impulse pay-per-view communication disclosed in Hendricks relates to connections between the head end and a set top terminal. Even if operation center 202 is considered to be a service provider within the broadest meaning of the term, Hendricks still fails to suggest the claimed invention.

Note that in Figure 1 of Hendricks, operation center 202 supports network manager 214 over terrestrial link 218. On the other hand, local feeds 224, ATM 226, and file server 215 provide data to signal processing equipment 209. While operation center 202 may support operations, there is no suggestion that operation center 202 is sending private data packets in addition to broadcast video over the network, through the broadband digital terminal, to the set top box wherein an impulse pay-per-view communication path is established between the set top box and the service provider.

Regarding the claimed impulse pay-per-view communication path, the Examiner refers to column 24, lines 12-33 of Hendricks. Again, this portion of Hendricks does discuss

S/N: 09/514,033
Response to Office Action of June 1, 2005

Atty Dkt No. 1589 (USW 0563 PUS)

IPPV/VOD, and refers to Figure 8. Figure 8 reveals file server 215 as well as block 234 receiving ATM and local feeds. To the extent that Hendricks does describe an IPPV/VOD path, there is certainly no suggestion of establishing such a path with the operation center 202, which the Examiner has called a service provider, let alone establishing the path in the particularly claimed way.

In summary, Hendricks does mention IPPV/VOD, however, there is no suggestion of establishing the IPPV communication path in the way specifically claimed by claim 1 where the service provider sends a private data packet in addition to the broadcast video over the network and through the broadband digital terminal to the set top box, and the packet contains API information and the service provider address. After all, Hendricks gives little attention to the external ATM and local feeds received by the head end. To the extent that the Examiner attempts to equate operation center 202 to the claimed service provider, Applicants contend that Hendricks fails to suggest an IPPV communication path to operation center 202, let alone suggest the establishment of such a path in the particularly claimed way.

For the reasons given above, claim 1 is believed to be patentable.

Claims 2-4 are dependent claims and are also believed to be patentable.

Claim 5 is an independent claim for a system of the invention and is also believed to be patentable. Claim 5 recites similar subject matter as independent claim 1 including the use of the private data packet containing application interface information and the destination address as well as establishing an impulse pay-per-view data path extending from the set top box to the service provider.

Claims 6-11 are dependent claims and are also believed to be patentable.


S/N: 09/514,033
Response to Office Action of June 1, 2005

Atty Dkt No. 1589 (USW 0563 PUS)

Allowance of claims 1-11 is respectfully requested.

Respectfully submitted,

DONALD L. BRODIGAN, ET AL.

By 
Jeremy J. Cuccuri
Reg. No. 42,454
Attorney for Applicants

Date: 8/12/05

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351